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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 10/17/06

UNITED STATES OF AMERICA,)	No. CR 05-00445-RMW
)	
Plaintiff,)	
)	STIPULATION TO CONTINUE
v.)	SENTENCING HEARING AND
)	ORDER
DAVID M. FISH,)	
aka x000x,)	
)	
Defendant.)	

It is hereby stipulated and agreed between defendant David M. Fish, by and through his counsel of record, Michael W. Armstrong, Esq., and the United States, by and through Assistant United States Attorney Mark L. Krotoski, as follows:

1. This matter is presently set for a sentencing hearing on October 30, 2006 at 9:00 a.m.
2. The parties agree that further time is needed to address sentencing issues and that the terms of the plea agreement continue to apply.
3. The probation officer, who has been out of the office for an extended period, has been advised of this request for a continuance.

For the foregoing reasons, and that the ends of justice are served by continuing this case, the parties stipulate and request to a continuance of the sentencing hearing from October 30, 2006 at

9:00 a.m. to February 5, 2007 at 9:00 a.m., or the next available date.

IT IS SO STIPULATED.

Dated: October 2, 2006

KEVIN V. RYAN
United States Attorney

/s/

MARK L. KROTOSKI
Assistant United States Attorney

Dated: October 2, 2006

/s/

MICHAEL W. ARMSTRONG
Attorney for Defendant

IT IS SO ORDERED.

Upon good cause shown, the sentencing hearing is continued from October 30, 2006 at 9:00 a.m. to February 5, 2007 at 9:00 a.m.

Dated: October 17, 2006

/s/ Ronald M. Whyte

RONALD M. WHYTE
United States District Judge

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